

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL DOCKET NO.: 5:11CR21-RLV**

**UNITED STATES OF AMERICA** )  
 )  
 **v.** )  
 )  
 **JEFFREY LYNN HOLMES,** )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER TO REDUCE TERM  
OF IMPRISONMENT TO TIME SERVED**

**BEFORE THE COURT** is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the defendant, Jeffrey Lynn Holmes, to time served, and commencement of a four-year term of supervised release previously imposed. The court finds:

1. Mr. Holmes pleaded guilty to violating 21 U.S.C. §§ 846 and 841 (b)(1)(B), Conspiracy to Possess with Intent to Distribute Cocaine Base. He was sentenced on January 10, 2013, in the United States District Court for the Western District of North Carolina, to 78 months of imprisonment with four years of supervised release.
2. Mr. Holmes sentence was reduced to 66 months based on a United States Sentencing Guideline Change. His projected release date is November 1, 2015, via Good Conduct Time.
3. Mr. Holmes, age 32, has been diagnosed with grade IV glioblastoma (brain tumor), seizures, hypothyroid, and eczema. He underwent a CT scan and an MRI that revealed a right frontal brain tumor. His prognosis is poor, his condition is terminal, and his life expectancy is less than 18 months.
4. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the court, upon motion of the Director of the Federal Bureau of Prisons, to modify a term of imprisonment upon the finding that extraordinary and compelling reasons warrant the reduction. The Director of the Federal Bureau of Prisons contends, and this court agrees, that the defendant's terminal medical condition and limited life expectancy constitute extraordinary and compelling reasons warranting the requested reduction.

**IT IS THEREFORE ORDERED** that the defendant's term of imprisonment is hereby reduced to the time he has already served.

**IT IS FURTHER ORDERED** that the defendant shall be released from the custody of the Federal Bureau of Prisons as soon as his medical condition permits, the release plan is implemented, and travel arrangements can be made.

**IT IS FURTHER ORDERED** that upon his release from the custody of the Federal Bureau of Prisons, the defendant shall begin serving the four-year term of supervised release previously imposed.

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees  
United States District Judge

